

PREFACE

The document has been prepared by the City of Milpitas as the Lead Agency, in conformance with the California Environmental Quality Act (CEQA). This Environmental Impact Report (EIR) provides environmental review appropriate for the adoption of the proposed Californian Residential Project.

Purpose of the EIR

In accordance with CEQA, this EIR provides objective information regarding the environmental consequences of the proposed project to the decision makers who will be considering and reviewing the proposed project. The CEQA Guidelines contain the following general information on the role of an EIR and its contents:

§15121(a). Informational Document. An EIR is an informational document, which will inform public agency decision makers, and the public of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR, along with other information that may be presented to the agency.

§15151. Standards for Adequacy of an EIR. An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information that enables them to make a decision that intelligently considers environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good-faith effort at full disclosure.

Focusing the EIR

The City of Milpitas prepared an Initial Study (see Appendix A) determining that preparation of an EIR was needed for the proposed Californian Residential Project. The Initial Study concluded that the EIR should focus on land use compatibility (including aesthetics), hazardous materials, transportation, and noise. The issues of air quality, biological resources, geology and soils, hydrology and water quality, population and housing, public services, and utilities were analyzed in the Initial Study. The project's impacts in these study areas were determined to be less than significant, with the City's standard mitigation measures that will be made conditions of approval of the project.

As stated above, the analysis in the Initial Study determined that the only environmental resources affected by the proposed project would be land use, hazardous materials, transportation, and noise. All other impacts from the proposed project would be less than significant and are not addressed any further in this EIR.

All documents referenced in this EIR are available for public review in the office of the Planning Department, 455 E. Calaveras Boulevard, Milpitas, California, on weekdays during normal business hours.

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SUMMARY

The project proposes to remove the existing building and associated structures and construct two residential condominium towers, one 12 stories tall (north tower) and one 10 stories tall (south tower), that will have a combined total of 180 dwelling units (three studio units, 22 one-bedroom units, 127 two-bedroom units, and 28 three-bedroom units). A four-story parking structure is proposed on the western edge of the site.

The following is a brief summary of significant impacts and mitigation measures addressed within the body of this EIR. The complete project description and discussion of impacts and mitigation measures can be found in the Section II of this EIR.

SIGNIFICANT IMPACTS

MITIGATION MEASURES

Hazardous Materials Impacts

Implementation of the proposed project would result in demolition of a building likely to containing ACMs and lead-based paint. Demolition done in conformance with federal and state laws and regulations will avoid exposure of construction workers and/or the public to contaminants, including lead-based paint and asbestos, if those materials become airborne. **(Less Than Significant Impact)**

All demolition activities would be undertaken according to OSHA and EPA standards to protect workers and off-site occupants from exposure to asbestos and lead based paint. Specific measures include air monitoring during demolition of existing buildings and construction activities. In addition, building materials classified as hazardous materials would be disposed of in conformance with federal, state, and local laws.

Less Than Significant Impact

Transportation Impacts

Implementation of the proposed project would have a significant impact on the intersection of East Calaveras Boulevard and Milpitas Boulevard by adding more than four seconds of critical delay to the intersection and increasing the demand-to-capacity ratio by more than 0.01. **(Significant Impact)**

There is no mitigation available that could reasonably be implemented by the proposed project to reduce level of service impact to the East Calaveras Boulevard/Milpitas Boulevard intersection. For this reason, this impact is considered significant and unavoidable. However, the project proponent will be required to make a fair share contribution to the widening of Calaveras Boulevard.

Significant Unavoidable Impact

Noise Impacts

Noise generating activities associated with demolition, grading, and construction activities on the project site would temporarily elevate noise level in the area surrounding the project site. **(Significant Temporary Impact)**

Construction activities would be limited to the period between 7:00 AM and 6:00 PM Monday through Friday.

The contractor would be required to use available noise suppression devices and properly maintain and muffle internal combustion engine-driven

Noise Impacts Continued

See previous page

construction equipment. The contractor would also be required to use noise barriers or noise control blankets to shield stationary equipment from nearby noise-sensitive receptors.

The contractor would designate a disturbance coordinator and post the name and phone number of this person at easy reference points for the surrounding land uses. The disturbance coordinator would respond to all complaints about noise and take the necessary steps to reduce the problem.

Less Than Significant With Mitigation

Cumulative Impacts

Cumulative Transportation

Under the cumulative condition, the proposed project would not result in any study segments operating below LOS D, except for Calaveras Boulevard, Milpitas Boulevard, and Abel Street, which already operate below the acceptable LOS. In addition, the proposed project would not add traffic that is greater than one percent of the roadway capacity. As a result, the proposed project would have a less than significant impact.

Cumulative Noise

The proposed project, by itself, will not generate enough traffic to audibly increase the overall noise level of the project area. For humans, an audible increase in noise is three decibels, which is equivalent to traffic volumes doubling in the project area. However, the proposed project, combined with other nearby projects (K&B, Fairfield, Shappell, and Town Center), will not double traffic volumes in the project area (particularly Highway 680 and Calaveras Boulevard) and, therefore, will not increase the overall ambient noise level of the project area by three decibels or more. As a result, the proposed project will have a less than significant cumulative noise impact.

Alternatives to the Proposed Project

A. NO PROJECT ALTERNATIVE

The CEQA Guidelines [§15126(d)4] require that an EIR specifically discuss a No Project Alternative, which should address both “the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project is not approved, based on current plans and consistent with available infrastructure and community services.” Since the proposed project is the demolition of an existing commercial structure and the construction of a high-rise residential building, the alternative to the City approving the currently proposed project would be to retain the commercial structure on site in its current location.

The No Project Alternative would be to retain the current land use designation on the project site and either maintain the existing development or redevelop the site under the existing land use designation. The only significant impacts identified in this EIR are the significant temporary impact of construction noise and the impact of airborne asbestos from the existing buildings. The No Project Alternative would avoid these impacts if the existing buildings on the site were retained. If the site were redeveloped under the existing land use designation, however, the new development would have similar significant temporary construction noise impact and asbestos impact as the proposed project. It is anticipated that the proposed project will require pile driving, which would last for approximately 30 days. Because the No Project Alternative would not require pile driving, the significant temporary construction noise impact would be somewhat less intrusive on the adjacent land uses.

As a result, the No Project Alternative may not avoid the significant impacts of the proposed project because nothing would preclude the project site from being redeveloped under the existing land use designation. The No Project Alternative does not meet the objectives of the proposed project.

B. REDUCED DENSITY ALTERNATIVE

Implementation of the proposed project would result in two residential towers (one 12 stories tall and one 10 stories tall) being built on a major roadway (Calaveras Boulevard) and near a single-family neighborhood. While the development of these residential towers will have a less than significant visual impact on the existing neighborhood, the project will alter the visual character of the project area. To further reduce the view of the proposed residential towers, this alternative could reduce the overall size and density of the project, thereby reducing the height of the buildings.

A 50 percent reduction in dwelling units (resulting in 90 units) would reduce the height of the buildings by approximately five to six stories. The buildings would still be visible from the existing residential neighborhood, however, and would still be taller than adjacent buildings. In addition, implementation of the Reduced Density Alternative would have the same significant temporary construction noise impact and asbestos impact as the proposed project. This alternative would further reduce the less than significant traffic impacts.

As a result, the Reduced Density Alternative will not further reduce the significant mitigated impacts of the proposed project and will not reduce the less than significant visual impact of the project to a “no impact” level. The Reduced Density Alternative does meet the objective of the proposed project by providing high-density residential development on the project site.

C. ALTERNATE SITE DESIGN

Implementation of the proposed project would result in a private outdoor common use area that could be exposed to noise levels of 65-66 decibels. The City of Milpitas has established a threshold of 65 decibels as being normally acceptable and 70 decibels as being conditionally acceptable. Approximately 20 percent of the common use area would be exposed to noise levels of 66 decibels. Because this is only one decibel above the acceptable threshold, is in a limited area, and because humans can only perceive a difference in noise that is three decibels or greater, this is identified as a less than significant impact. To further reduce the noise levels within the common use area, this alternative would increase the height of the proposed sound wall by two feet, thereby reducing the noise levels in the common use area.

Implementation of the Reduced Density Alternative would have the same significant temporary construction noise impact and asbestos impact as the proposed project.

The Alternate Site Design Alternative will not further reduce the significant mitigated impacts of the proposed project and will not reduce the less than significant noise impact of the project to a “no impact” level. The Alternate Site Design Alternative does meet the objective of the proposed project by providing high-density residential development on the project site.

Areas of Known Controversy

There are no known areas of controversy related to the proposed project.